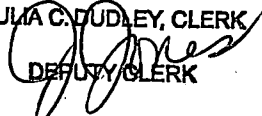


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JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA

DANIEL FOSTER,

Plaintiff,

v.

AYN RAND INSTITUTE: THE CENTER FOR
THE ADVANCEMENT OF OBJECTIVISM,

Defendant.

Civil Action No.: 3:15-cv-00063

COMPLAINT FOR
COPYRIGHT INFRINGEMENT

DEMAND FOR JURY TRIAL

COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff, DANIEL FOSTER ("Plaintiff"), brings this complaint in the United States District Court for the Western District of Virginia against AYN RAND INSTITUTE: THE CENTER FOR THE ADVANCEMENT OF OBJECTIVISM ("Defendant"), alleging as follows:

PARTIES

1. Plaintiff is a United States citizen and professional photographer who currently resides in Berlin, Germany.
2. On information and belief, Defendant is a 501(c)(3) nonprofit organization existing under the laws of the State of Pennsylvania, with headquarters in Irvine, California and Alexandria, Virginia.

JURISDICTION AND VENUE

1. This is a civil action seeking damages for copyright infringement under the copyright laws of the United States (17 U.S.C. § 101 et seq.).
2. This Court has jurisdiction under 17 U.S.C. § 101 et seq.; 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338(a) (copyright).
3. This Court has personal jurisdiction over the Defendant, and venue in this District is proper under 28 U.S.C. § 1391(b) and 28 U.S.C. § 1400(a), in that a substantial part of the acts of infringement complained of herein occurred in this District

COUNT I

INFRINGEMENT OF COPYRIGHT PURSUANT TO 17 U.S.C. §101 ET SEQ.

4. Plaintiff incorporates herein by this reference each and every allegation contained in each paragraph above.
5. Plaintiff is, and at all relevant times has been, the copyright owner or licensees of exclusive rights under United States copyright with respect to certain copyrighted photograph, including but not limited to "Natural Gas Fracking," the copyrighted photograph (Exhibit A) is the subject of a valid Certificate of Copyright Registration (Exhibit B) issued by the Register of Copyrights ("Copyrighted Photograph"). The date of registration for "Natural Gas Fracking" is within three months of the initial publication of the work.

6. Among the exclusive rights granted to each Plaintiff under the Copyright Act are the exclusive rights to reproduce the Copyrighted Photograph and to distribute the Copyrighted Photograph to the public.
7. Plaintiff is informed and believes that Defendant, without the permission or consent of Plaintiff, has used the Copyrighted Photograph on Defendant's public website, www.aynrand.org. In doing so, Defendant violated Plaintiff's exclusive rights of reproduction and distribution. Defendant's actions constitute infringement of Plaintiff's copyrights and exclusive rights under copyright. (Exhibit C contains a copy of the Defendant's website page displaying the Copyrighted Photograph).
8. Plaintiff is informed and believes that the foregoing act of infringement was willful and intentional, in disregard of and with indifference to the rights of Plaintiff.
9. As a result of Defendant's infringement of Plaintiff's copyrights and exclusive rights under copyright, Plaintiff is entitled to statutory damages pursuant to 17 U.S.C. § 504(c) for Defendant's infringement of the Copyrighted Photograph. Plaintiff is further entitled to their attorneys' fees and costs pursuant to 17 U.S.C. § 505.

COUNT II

REMOVAL AND ALTERATION OF INTEGRITY OF COPYRIGHT MANAGEMENT INFORMATION PURSUANT TO 17 U.S.C. §1202

10. Plaintiff is informed and believes that Defendant, without the permission or consent of Plaintiff, knowingly and with the intent to conceal infringement, provided copyright information management information that was false, as well as intentionally removed the copyright management information from Plaintiff's Copyrighted Photograph before displaying the Copyrighted Photograph on Defendant's public website, www.aynrand.org. In doing so, Defendant violated 17 U.S.C. § 1202(a)(1) and (b)(1).
11. As a result of Defendant's actions, Plaintiff is entitled to actual damages or statutory damages pursuant to 17 U.S.C. § 1203(b)(3). Plaintiff is further entitled to their attorneys' fees and costs pursuant to 17 U.S.C. § 1203(b)(5).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- A. Declaring that Defendant's unauthorized conduct violates Plaintiff's rights under the Federal Copyright Act;
- B. Immediately and permanently enjoining Defendant, their officers, directors, agents, servants, employees, representatives, attorneys, related companies, successors, assigns, and all others in active concert or participation with them from copying and republishing Plaintiff's

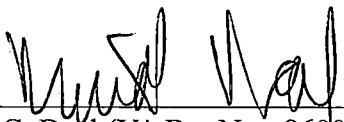
Copyrighted Photograph without consent or otherwise infringing Plaintiff's copyright or other rights in any manner;

- C. Ordering Defendant to account to Plaintiff for all gains, profits, and advantages derived by Defendant by their infringement of Plaintiff's copyright or such damages as are proper, and since Defendant intentionally infringed Plaintiff's copyright, for the maximum allowable statutory damages for each violation;
- D. Awarding Plaintiff actual and/or statutory damages for Defendant's copyright infringement in an amount to be determined at trial;
- E. Awarding Plaintiff his costs, reasonable attorneys' fees, and disbursements in this action, pursuant to 17 U.S.C. § 505, 17 U.S.C. § 1203(b)(3), and § 1203(b)(5); and
- F. Awarding Plaintiff such other and further relief as is just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all claims for which there is such a right.

Dated: November 16, 2015



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